

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:05CV74**

<b>CYNTHIA J. KEMPISTY, d/b/a GAME</b>	)	
<b>ROOMS TO GO, d/b/a POOL TABLES</b>	)	
<b>PLUS</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>BRUNSWICK BOWLING AND</b>	)	
<b>BILLIARDS CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**THIS MATTER IS BEFORE THE COURT** on Defendant's "Motion to Enforce Settlement Agreement And Dismiss Plaintiff's Claims and Memorandum of Law in Support Thereof" (Document No. 22), filed April 25, 2006; and on Plaintiff's "Motion to Request Status Conference ... and Summary Dismissal of Defendant's Motion to Enforce Settlement Agreement" (Document No. 23), filed April 28, 2006. The undersigned issues this Order in confirmation of the proceedings held today in open court. Based on a review of the record, the pleadings, applicable authority and the oral argument of the parties on this date, the undersigned for the reasons stated in open court will deny Defendant's motion and deny as moot Plaintiff's motion.

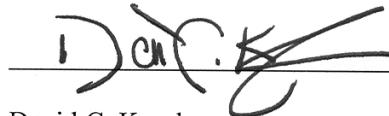
**IT IS, THEREFORE, ORDERED** that Defendant's "Motion to Enforce Settlement Agreement..." is **DENIED** and Plaintiff's "Motion to Request Status Conference ... and Summary Dismissal ..." is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the parties shall, pursuant to Rule 26(f) of the Federal

Rules of Civil Procedure and Local Rule 16.1(A), file a report, jointly if possible, of initial attorneys' conference and a proposed discovery plan on or before **December 8, 2006**. Such a report need not be filed if the parties can settle the matter prior to that date. Assuming the matter is not settled and a report of initial attorneys' conference is received, , the Court's intention is to file a pretrial order and case management plan immediately and to direct that discovery in the case be commenced.

**SO ORDERED.**

Signed: November 7, 2006

  
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David C. Keesler  
United States Magistrate Judge 